REMARKS/ARGUMENTS

Before this Amendment, claims 1-27 were present for examination. Claims 11-15, 17, and 21 are amended by this paper. No claims are canceled or added. Therefore, claims 1-27 are present for examination, and claims 1, 11, 14, and 21 are the independent claims. No new matter is added by these amendments.

Applicant respectfully requests entry of this amendment and reconsideration of this application as amended.

Rejection Under 35 U.S.C. § 101

The Office Action has rejected claims 1, 11, 14, and 21 under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter.

Applicant first notes that claim 1 is an apparatus claim, and recites both a *microprocessor based rule engine* and a *computer readable medium*. Claim 1 claims a machine, which is one of the categories of patentable subject matter listed in 35 U.S.C. § 101.

Method claims 11-15, 17, and 21 have been amended to recite that the steps are performed by a *microprocessor based rule engine*. This change finds support in original claim 1, and in the specification at least in paragraphs [0016]-[0024]. All of the method steps are tied to a machine, and are therefore directed to statutory subject matter under the "machine or transformation" test articulated in *In re Bilski*, 545 F.3d 943, 88 USPQ2d 1385 (Fed. Cir. 2008).

Rejections Under 35 U.S.C. § 103(a)

The Office Action has rejected claims 1-27 under 35 U.S.C. §103(a) as being allegedly unpatentable over the cited portions of Hilt et al., U.S. Patent 5,465,206 ("Hilt") in view of the cited portions of Blagg, U.S. Patent Pub. 2004/0049452 (the "Blagg reference"). Applicants respectfully traverse because the Office Action has not made out a *prima facie* case of obviousness with respect to Applicant's claims.

The Office Action admits that Hilt does not teach or suggest many elements of Applicant's claims, and relies on the Blagg reference to supply those elements.

The Blagg reference was first published March 11, 2004, well after the filing date of the present application, which was filed September 26, 2003. The Blagg reference and the

present application share the same sole inventor. The Blagg reference therefore does not qualify as prior art to the present application under any subsection 35 U.S.C. § 102, and cannot be used as a reference in the rejection of Applicant's claims.

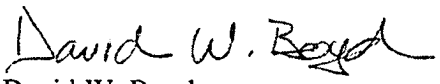
Without the Blagg reference, no *prima facie* case of obviousness has been made out. Furthermore, as Applicant has previously explained, Hilt also does not teach or suggest all for which it is relied upon.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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